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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bertino et al

Application No.: 10/650,417

Filed: 8/27/2003

Title: Double Mutants of Human DHFR and
Methods of Using Same

Attorney Docket No.: MSK.P-007-DV

Group Art Unit: 1652

Examiner: T. Saidha

Conf. No.: 6571

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Official Action mailed October 4, 2004 for the above-captioned application, Applicants hereby elects the claims of Group II, claims 12-19, without traverse.

Applicants respectfully point out, that a preliminary amendment was filed in this application on August 27, 2003 (when the application was filed). This amendment canceled claims 1-11, yet these claims were nonetheless included in the restriction requirement. Accordingly, it appears that the Examiner is not aware of the amendment. Inasmuch as the amendment makes amendments to both the specification and the elected claims, however, the amendment should be taken into account prior to issuance of an action on the merits.

It is noted that the preliminary amendment is present in the electronic file wrapper for this application. Accordingly, a copy of the earlier amendment is not attached. However, should the Examiner have difficulty retrieving the document, one will be provided upon request.

Respectfully Submitted,


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I hereby certify that the above-referenced document
is being transmitted to the United States Patent and
Trademark Office, by facsimile to: 703-3872-9306
on Nov 1 2004 by Marina Larson
Marina T. Larson